DEPARTMENT OF DEFENSE INTELLIGENCE INFORMATION REPORT

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Classification/Control Markings

This report contains unprocessed information. Plans and/or policies should not be evolved or modified solely on basis of this report.

1. COUNTRY: ARGENTINA (AR)

2. REPORT NUMBER: [redacted] (b)(3):10 USC 424

3. TITLE: (U) POLITICAL, HUMAN RIGHTS-Forwarding of Embassy Telegram Concerning Disappearance Cases

4. PROJECT NUMBER: N/A

5. DATE OF INFORMATION: 790208

6. DATE OF REPORT: 790209

7. DATE & PLACE OF ACQUISITION: 790209, Buenos Aires

8. REFERENCES: [redacted] (b)(3) 10 U.S.C. 424

9. ASSESSMENT: SOURCE [redacted], INFO [redacted] (b)(3):10 USC 424

10. ORIGINATOR: [redacted]

11. REQUEST EVALUATION ____, QPQ _____ (country)

12. PREPARING OFFICER:

~~13. APPROVING AUTHORITY:~~ (b)(3):10 USC 424

14. SOURCE: Amembassy telegram 1097, dtd 790208

15. SPECIAL INSTRUCTIONS:

ADVANCE REPORT - ~~FOR DEFENSE USE ONLY~~

DIRC YES ☐ NO ☒

16. SUMMARY:

(U) This IR forwards Amembassy telegram 1097, concerning an Argentine Supreme Court statement of denial of justice in disappearance cases--and which the Court places the burden of informing the public on the Executive power.

BEST AVAILABLE COPY

Rec'd RDS-3B/ 27FEB 79

17. SUBJECT AND AREA CODES: 1825 60 {AR 1825 60 1825 80

18. DISTRIBUTION BY ORIGINATOR:
DIA *(original)*

USCINCSO, Quarry Hts CA
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19. DOWNGRADING AND DECLASSIFICATION DATA:

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Date: *Oct 19, 2018*

20. ENCLOSURES:

1 Enclosure.

1. Amembassy Telegram 1097, DTG 081820 FEB 79 1 cy, 4 pgs (e)

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21. This IR contains 1 pages.

DD Form 1 SEP 76 1396

1 SEPT 62 EDITION MAY BE USED UNTIL 1 MAR 77

CN 1097

081820Z FEB 79

TELEGRAM

INDICATE
☐ COLLECT
☐ CHARGE TO

FROM: Amembassy BUENOS AIRES

CLASSIFICATION: ~~CONFIDENTIAL~~

~~12065~~
~~E.O. XXXX~~: ~~GDS 2/8/85 (THAYER, Yvonne) OR-P~~
TAGS: SHUM AR
SUBJECT: (U) Supreme Court Acknowledges Denial of Justice in Disappearance Cases

ACTION: Secstate WASHDC

INFO: USCINCSO QUARRY HTS CZ

~~CONFIDENTIAL~~ BUENOS AIRES 1097

AMB
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SY
CHRON
RF

(b)(3) 10 U.S.C. 424

REF: 1978 Buenos Aires 8796

1. (U) The Supreme Court reiterated its inability to resolve the cases of 1,542 disappeared persons due to the lack of information and cooperation of the Executive power, while at the same time acknowledging that such a situation constitutes a denial of justice. The December 21 ruling, in reply to the third Permanent Assembly for Human Rights petition signed by 1,221 persons recording ~~on behalf of~~ 1,542 documented cases of disappeared persons, was made public in early February. In its unanimous decision, the court called upon the Executive Power to make available sufficient information for the courts to resolve the habeas corpus petitions for disappeared persons in fulfillment of the court's responsibility to uphold the Constitution and individual liberties.

2. (U) Although the court declared itself not empowered to evaluate or emit opinions on "situations not commended to it by

DRAFTED BY:	DRAFTING DATE	TEL. EXT.	CONTENTS AND CLASSIFICATION APPROVED BY:
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DCM:MChaplin
~~POL:EAHarris~~
USICA:JCorr

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Date: Oct 19, 2018

ENCL (1) IR

(b)(3):10 USC 424

BA-17
4-12-78

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50153-101

OPTIONAL FORM 153
(Formerly FS-413)
January 1975
Dept. of State

government," it noted the high number of cases in which habeas corpus petitions had to be rejected by the courts because of the reply of the Executive Power that it had no record of the individuals' detention. This fact, said the court, constitutes a situation "equivalent to the effective denial of justice for causes totally foreign to the special functions and competence of the judges, who do not have it within their power to remedy the situation." In order to permit the court to fulfill its mandate to safeguard individual liberties and uphold the Constitution, the court asked that the Executive Power "immediately take necessary measures to create the conditions required by the judiciary to resolve the cases, without intending, of course, to obstruct the objectives of national unity, internal peace and common defense."

3. (U) The Supreme Court's ruling got good press coverage, as well as a strongly supportive editorial in La Nacion Feb. 4. La Nacion sustained that "there is no political issue in Argentina today more important than that of guaranteeing individual security now that collective security has been assured." Peace has been attained by force of arms to the grateful relief of the population, said La Nacion. "However, it is not enough to win the peace; it is indispensible that it be guaranteed." The court has shown by its decision that it is alert and doing

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its part to achieve that fervently desired objective, said La Nacion.

4. (U) Justice Minister Varela pointed to the December 21 decision as proof that Argentina enjoys an independent judiciary in remarks made to the press Feb. 7. He said that several judicial reform measures are now being studied by a special three-man commission, among them an agreement with the Province of Buenos Aires which would greatly simplify and shorten inter-court procedures and could be followed in other provinces.

5. ~~(C)~~ COMMENT: The delicately worded decision, which virtually acknowledges the court's powerlessness to act in disappearance cases, was also well received by the Permanent Assembly for Human Rights. Publicly calling the decision a "comfort" to families of disappeared persons, a PAHR official told Emboff that the court has now put the burden of the disappeared "problem" squarely where it belongs--in the Executive branch. The government will not be able to hide the disappearances issue behind the courts and the legal system, he said, adding that PAHR was considering recommending the Supreme Court judges resign if the Executive refused to accord them the power to carry out their mandate. Justice Minister Varela's ingenuous remark that the ruling will help improve the country's image as an example of the independence and

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power of the judiciary seems to have missed the high court's point altogether. What is noteworthy, however, is that a movement--perceptible in the more forthright press reports and editorials, the latest Supreme Court ruling and the awakening public ~~outrage~~ outcry against ~~xxx~~/abduction-murders--is steadily growing within Argentine country society to turn the ~~xxxxx~~ toward the rule of law.

END COMMENT.

CASTRO

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